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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORLAND DIVISION

**INDEX NEWSPAPERS LLC**, a Washington limited-liability company, dba **PORTLAND MERCURY; DOUG BROWN; BRIAN CONLEY; SAM GEHRKE; MATHIEU LEWIS-ROLLAND; KAT MAHONEY; SERGIO OLmos; JOHN RUDOFF; ALEX MILAN TRACY; TUCK WOODSTOCK; JUSTIN YAU**; and those similarly situated,

Plaintiffs,

v.

**CITY OF PORTLAND**, a municipal corporation; **JOHN DOES 1-60**, officers of Portland Police Bureau and other agencies working in concert; **U.S. DEPARTMENT OF HOMELAND SECURITY**; and **U.S. MARSHALS SERVICE**,

Defendants.

Case No. 3:20-cv-1035-SI

**DECLARATION OF EMILY MOLLI REGARDING EVENTS OF JULY 26-27 & 29, 2020**

I, Emily Molli, declare:

1. I am a California resident who lives in the City of Los Angeles. I have been a freelance and independent journalist since 2014. I have covered civil unrest for my entire career, both in the United States and abroad, including the most recent protests in Portland. Through the Associated Press and Getty, my photographs have been published in the *New York Times*, the *Wall Street Journal*, the *Guardian*, *ProPublica*, and others. If called as a witness, I could and would testify competently to the facts below.

2. I am experienced in covering civil unrest, riots, and other dangerous situations. I reported on the protests in Hong Kong over the course of six months, the Yellow Vests in France over the course of a year, the Catalan independence movement, the protests and riots in Greece, and others. I am relatively familiar with police use of tear gas and “less lethal” weaponry in response. If I am hit by an impact munition while standing in a crowd of protesters, I accept that that is one of the risks of covering such events. I object, however, when the authorities target journalists—as I have seen federal agents do in Portland.

3. I have covered the Portland protests every night since July 23, 2020. When I cover the protests, I wear a helmet that says “PRESS” in big block letters, as well as two press passes: one issued by my independent media company, SCNR, and one issued by the National Press Photographers’ Association, the largest and oldest body of professional photojournalists in the United States. I also operate a large, professional-grade Canon XF400 videocamera.

4. On the night of July 26, I was covering the protests in front of the federal courthouse in downtown Portland. By the early hours of July 27, federal agents had pushed the crowd of protesters through Lownsdale Square and Chapman Square, and then farther back along SW Main Street all the way to the intersection with SW 5th Avenue.

5. At the time the following events took place, the federal agents were on SW Main Street between SW 3rd and SW 4th Avenue, and I was on the sidewalk on the north side of SW Main Street between SW 4th and SW 5th Avenue. Two protesters were in the middle of the street 15-20 feet to my right, but the mass of protesters were at SW Main Street and SW 5th Avenue.

Because the federal agents were directing a barrage of tear-gas canisters and impact munitions at the protesters, I was using a tree as cover. A handful of press were standing behind me on the sidewalk.

6. I stuck my arm and videocamera out from behind the tree to take footage of the federal agents. I managed to record for about 16 seconds before an impact round hit me directly in the forearm. There were no protesters around me, and an impact munition fired at the height of my arm would not have reached the protesters at the other end of the street. Based on that, the federal agents can only have intended to hit me or another journalist. I believe a similar type of round hit one of the other journalists behind me.

7. The munition broke the skin on my forearm and was so painful that it was difficult for me to move my hand or grip my camera. Even moving my hand slightly was very painful. Below is a true and correct copy of a photo that John Rudoff took of my arm:



8. About five minutes later, I was with a group of journalists. We decided to stick together, hold our press passes up as a group (except for me—I couldn't hold my press pass up because my right arm was injured and my left arm was holding my camera), and hope that that would make it clear enough that we were journalists so the federal agents would avoid shooting at us. I took a video accurately depicting the following events, with the exception of a few seconds missing around the 0:24 mark when I had to switch the battery. A true and correct copy of that video can be viewed here: <https://tinyurl.com/FedsShootJournoGroup2>.

9. At this point, the federal agents had moved to the corner of SW 2nd Avenue and SW Main Street. When they saw us trying to record them, they fired a barrage of concussion grenades and other munitions directly at us. Then they disappeared into the courthouse building. At the time that they fired at us, the press group was standing about 30 feet away from the federal officers. With the exception of a single person who was standing 15 feet to the side of our press group (I did not see if he was a protester, but he was not doing anything threatening or violent, or even moving in the direction of federal property), the nearest protesters were at least 75 feet behind us, but the federal agents shot at least a dozen munitions directly at us while we were trying to take video of them.

10. I once again witnessed federal agents shoot tear gas at journalists on the night of July 29. I was on SW Main Street with a group of journalists. From what I could see, no protesters were on the street. I took a video accurately depicting federal agents firing three rounds of tear gas at the journalists, a true and correct copy of which can be viewed here: <https://tinyurl.com/FedsGasJournos>. The most blatant instance of targeting is at 1:31, when someone clearly marked as press bends down to film the last round and the federal agents fire another one at them.

11. Despite this Court's temporary restraining order, federal agents treated me and the other journalists I was with as though we were enemy combatants. I intend to continue covering the protests, but I am fearful for my safety. I am especially fearful because if the federal agents will not respect a court order, I am uncertain that they will respect any law at all.

I declare under penalty of perjury under the laws of United States of America that the foregoing is true and correct.

Dated: July 31, 2020

DocuSigned by:  
  
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Emily Molli